

ORDER E-FILED 3/14/2008

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KAIWEN CAI,

No. C07-04886 HRL

Plaintiff,

v.

**ORDER (1) GRANTING DEFENDANTS'
MOTION TO SET ASIDE DEFAULT
AND (2) DENYING AS MOOT
PLAINTIFF'S MOTION FOR ENTRY OF
DEFAULT JUDGMENT**

MICHAEL B. MUKASEY, Attorney General,
MICHAEL CHERTOFF, Secretary, Department
of Homeland Security, EMILIO GONZALEZ,
Director, United States Citizenship and
Immigration Services, CHRISTINA POULOS,
Director, USCIS California Service Center,

[Re: Docket Nos. 10 and 13]

Defendants.

Presently before this court is defendants' "Motion to Set Aside Entry of Default." The court is informed that defendants' motion was not served on plaintiff. Indeed, the docket does not indicate that the motion was sent to plaintiff's counsel, who apparently has not yet registered for e-filing.¹ However, plaintiff's counsel has advised that, notwithstanding this procedural error, plaintiff does not oppose defendants' request to have default set aside.

Accordingly, IT IS ORDERED THAT:

1. Defendants' motion to set aside default is granted as unopposed. The April 1, 2008 motion hearing is vacated.

¹ Plaintiff's counsel is reminded of her obligation to register for e-filing under the court's CM/ECF program. See General Order No. 45.

2. Because the entry of default has been set aside, plaintiff's motion for entry of default judgment is denied as moot.

3. A case management conference is set for **June 10, 2008, 1:30 p.m.** in Courtroom

2. The parties' Joint Case Management Statement is due by **June 3, 2008.**

Dated: March 14, 2008



HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

5:07-cv-4886 Notice has been electronically mailed to:

Melanie Lea Proctor Melanie.Proctor@usdoj.gov, tiffani.chiu@usdoj.gov

Counsel is responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.

5:07-cv-4886 Notice has been delivered by other means to:

Xia Zhao
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San Jose, CA 95130